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10/804,946	03/19/2004	Joseph A. Manico	87489NAB	8070

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EXAMINER

PASIEWICZ, DANIEL M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,946	Applicant(s) MANICO ET AL.	
	Examiner John Morehead	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 8-10, 13, 14, 16, 19, 20, 30, and 31 are rejected under 35

U.S.C. 102(b) as being anticipated by Hoyt et al US 6,085,195.

3. Re claim 1, Hoyt discloses an image processing system (fig. 1 element 100) for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences (fig. 4 col. 7 lines 45-67, col. 8 lines 1-67 and col. 9 lines 1-55), the system comprising: (a) a camera (fig. 3 element 123) for capturing the plurality of said image sequences (col. 5 lines 40-43); (b) a random-access electronic memory for temporary storage of the plurality of said image sequences (col. 7 lines 5-15); (c) an input reader (fig. 3 element 126) for accepting pre-programmed instructions from a first storage medium (col. 5 lines 66-67, and col. 6 lines 1-10); (d) a control panel (fig. 3 element 128) comprising: (i) a display (fig. 3 element 117) for viewing said image sequences and presenting pre-programmed instructions to the operator (col. 5 lines 9-12); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (col. 5 lines 9-12, col. 5 lines 66-67 and col. 6 lines 1-10); and (e) a control logic processor (fig. 3 element 126) for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said

captured image sequences stored in said random-access electronic memory according to said operator responses (col. 5 lines 56-67, col. 6 lines 1-10).

Re claim 4, Hoyt further discloses an image processing system according to claim 1 wherein said operator interface comprises a touch screen (fig. 3 element 128).

Re claim 8, Hoyt further discloses an image processing system according to claim 1 wherein said camera comprises a CCD sensor (col. 6 lines 58-59).

Re claim 9, Hoyt further discloses an image processing system according to claim 1 wherein said control panel is part of said camera (the CPU is coupled to the input devices and the image processing device, and the image processing device is coupled to the video camera, therefore the control panel is part of the camera because the control panel controls various functions of the video camera).

Re claim 10, Hoyt further discloses an image processing system according to claim 1 wherein said operator interface comprises a touch screen (claim limitation has already been discussed and rejected, see claim 4).

Re claim 13, Hoyt further discloses an image processing system according to claim 1 wherein the pre-programmed instructions provide a plurality of presentation themes that can be selected using the operator interface, each presentation theme

having associated pre-programmed instructions (fig. 4, fig. 4a, fig. 4b and fig. 4c, col. 14 lines 15-31).

Re claim 14, Hoyt further discloses an image processing system according to claim 13 wherein the pre-programmed instructions for each of the plurality of presentation themes enable graphics corresponding to be selected theme to be selected using the operator interface (col. 14, lines 25-31).

Re claim 16, Hoyt further discloses an image processing system according to claim 1 wherein the pre-programmed instructions include a background image sequence and instructions for compositing the background image sequence with a captured image sequence (col. 8 lines 1-13).

Re claim 19, Hoyt further discloses an image processing system according to claim 1 wherein the pre-programmed instructions further include an audio soundtrack (col. 8 lines 45-52)

Re claim 20, Hoyt further discloses an image processing system according to claim 19 wherein the control logic processor plays back the audio soundtrack while the camera captures at least one image sequence (claim limitation has already been discussed and rejected, see claim 19).

Re claim 30, Hoyt further discloses an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences, the system comprising: (a) a camera for capturing the plurality of said image sequences; (b) a random-access electronic memory for temporary storage of the plurality of said image sequences; (c) an input reader for accepting pre-programmed instructions from a storage medium; (d) a control panel comprising: (i) a display for viewing said image sequences and presenting pre-programmed instructions to the operator; and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (claim limitations have already been discussed and rejected, see claim 1).

Re claim 31, Hoyt further discloses an image processing system as in claim 30 further comprising: (e) a control logic processor for executing the pre-programmed instructions and for arranging playback of the presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses (claim limitations have already been discussed and rejected, see claim 1).

4. Claims 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawachi US 2002/0030744.

Re claim 23, Sawachi discloses a portable digital video camera and audio player (fig. 1) comprising: a sensor (fig. 1 element 30) for capturing images (para 0045-0046); a digital memory (fig. 1 element 68) for storing a motion video sequence (para 0044, 0081, 0084, 0086); a digital memory for storing an audio recording (para 0049, para 0058); an audio reproduction mechanism (fig. 1 elements 94 and 98) for playing the audio recording (para 0052, para 0058); and wherein a motion video sequence is captured and stored while the audio reproduction means plays back a stored audio recording (para 0044, para 0074).

Re claim 24, Sawachi further discloses a portable digital video camera and audio player according to claim 23 further comprising a graphical user interface for selectively enabling the capability to record digital images while playing back an audio file (para 0059, 0060, 0065, para 0074).

Re claim 25, Sawachi further discloses a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing a background image (all images have backgrounds, also see claim 1).

Re claim 26, Sawachi further discloses a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing commands for image processing (Although the limitation as required in claim 26 is not explicitly disclosed by Sawachi, it is inherent that "commands" for image processing are stored in the CPU, the CPU issues commands to all the devices throughout the portable multifunction apparatus and controller).

Re claim 27, Sawachi further discloses a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing previously recorded video segments (claim limitations has already been discussed and rejected, see claim 23).

Re claim 28, Sawachi further discloses a portable digital video camera and audio player according to claim 27 wherein said storage component is read-only (para 0054, also claim limitations has already been discussed and rejected, see claim 23).

Re claim 29, Sawachi further discloses a portable digital video camera and audio player according to claim 27 wherein said storage component is read-write (para 0054, also claim limitations has already been discussed and rejected, see claim 23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2, 3, 5-7, 11, 12, 15, 21, 22, and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt et al US 6,085,195 in view of Frey et al US 6,369,908.

8. Re claim 2, Hoyt fails to disclose an image processing system as in claim 1 further comprising: (f) an output writer for recording said presentation onto a second storage medium. However Frey discloses a photo kiosk for electronically creating, storing and distributing images, audio, and textual messages (Frey, abstract).

Therefore, taking the combined teachings of Hoyt and Frey, as a whole, it would have been obvious to one of ordinary skill in the art to modify Hoyt's photo kiosk to include a removable electronic storage device as described in Frey's photo kiosk so that the user will be able to electronically save their images or videos onto a recording

medium that is suitable to the user via CD, floppy disk, or tape (Frey, fig. 1 element 23 col. 2 lines 37-56, col. 3 lines 7-18).

Re claim 3, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 1 further comprising: an output writer for recording said presentation onto said first storage medium (claim limitation has already been discussed and rejected, see claim 2).

Re claim 5, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 2 wherein said second storage medium is an optical medium (Hoyt, col. 7 lines 5-15 and Frey, col. 1 lines 60-64 and col. 3 lines 2-6).

Re claim 6, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 2 wherein said second storage medium is a magnetic medium (claim limitation has already been discussed and rejected, see claim 5).

Re claim 7, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 2 wherein said second storage medium is a solid state medium (claim limitation has already been discussed and rejected, see claim 5).

Re claim 11, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 1 further comprising an audio recording mechanism (Frey col. 4, 33-65).

Re claim 12, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 1 further comprising an audio playback mechanism (claim limitation has already been discussed and rejected, see claim 11).

Re claim 15, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system according to claim 1 wherein the pre-programmed instructions enable text corresponding to be selected using the operator interface and enable the selected text to be included in at least one image sequence of the presentation (Frey, col. 4 lines 66-67, col. 5 lines 1-9).

Re claim 21, an image processing system according to claim 20 wherein the pre-programmed instructions further include lyrics for a song provided in the audio soundtrack

The combined teachings of Hoyt and Frey, as a whole, fail to disclose the above limitation as required in claim 21. However, Examiner takes Official Notice that it is well known to include lyrics for a song provided in an audio soundtrack.

Therefore it is obvious to one of ordinary skill in the art to include lyrics in an audio soundtrack so that the user can not only hear, but also see every word of the song that is being heard at the time.

Re claim 22, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences, the system comprising: (a) a camera for capturing the plurality of said image sequences; (b) a random-access electronic memory for temporary storage of the plurality of said image sequences; (c) an input reader for accepting pre-programmed instructions from a storage medium; (d) a control panel comprising: (i) a display for viewing said image sequences and presenting pre-programmed instructions to the operator; and (ii) an operator interface for accepting operator responses to the pre-programmed instructions; (e) a control logic processor for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses; and (f) an output writer for recording said presentation onto said storage medium (claim limitations have already been discussed and rejected, see claims 1 and 2)

Re claim 32, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system as in claim 31 further comprising: (f) an output

writer for recording said presentation (claim limitation has already been discussed and rejected, see claim 2).

Re claim 33, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation comprising a set of image sequences captured using an electronic camera, the method comprising: (a) obtaining programmed instructions for capturing members of the set of image sequences; (b) assembling an electronic storyboard, according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image sequences; (c) prompting the camera operator to obtain individual members of said set of said image sequences by displaying operator instructions to the camera operator; (d) storing said set of said image sequences in a memory; (e) assembling the presentation using said set of said image sequences, according to said electronic storyboard; and (f) recording the presentation onto a storage medium (claim limitations have already been discussed, see claim 1 and 2).

Re claim 34, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation according to claim 33 wherein the step of obtaining programmed instructions comprises the step of reading a magnetic medium (claim limitation has already been discussed and rejected, see claim 6).

Re claim 35, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation according to claim 33 wherein the step of obtaining programmed instructions comprises the step of reading an optical medium (claim limitation has already been discussed and rejected, see claim 5).

Re claim 36, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation according to claim 33 wherein the step of obtaining programmed instructions comprises the step of communicating over a network (Hoyt, col. 6 lines 34-54 and col. 7 lines 16-25).

Re claim 37, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation according to claim 33 wherein the step of assembling an electronic storyboard further comprises the step of obtaining operator responses to prompts (claim limitation has already been discussed and rejected, see claim 1).

Re claim 38, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation according to claim 33 further comprising the step of obtaining stored images for use in the presentation (claim limitation has already been discussed and rejected, see claim 1).

Re claim 39, the combined teachings of Hoyt and Frey, as a whole, further disclose a method for forming a presentation according to claim 33 wherein the step of assembling the presentation further comprises the steps of: (a) loading into the memory at least one pre-stored image not obtained from the camera; and (b) using said at least one pre-stored image as part of the presentation (claim limitation has already been discussed and rejected, see claim 1).

Re claim 40, the combined teachings of Hoyt and Frey, as a whole, further disclose an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences, the system comprising: (a) a camera for capturing the plurality of said image sequences; (b) a random-access electronic memory for temporary storage of the plurality of said image sequences; (c) an input reader for accepting pre-programmed instructions from a first storage medium; (d) a control panel comprising: (i) a display for viewing said image sequences and presenting pre-programmed instructions to the operator; and (ii) an operator interface for accepting operator responses to the pre-programmed instructions; (e) a control logic processor for executing the pre-programmed instructions and for arranging playback of the presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses; and (f) an output writer for recording the presentation onto a second storage medium (claim limitation has already been discussed and rejected, see claims 1 and 2).

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Hoyt et al US 6,085,195 in view of Frey et al US 6,369,908 in further view of Culbert 2002/0136294.

10. Re claim 17, an image processing system according to claim 16 wherein the background image sequence includes camera motion and wherein the pre-programmed instructions further include instructions to enable the control logic processor to simulate the camera motion of the background image sequence in at least one captured image sequence.

The combined teachings of Hoyt and Frey, as a whole, fail to disclose the claim limitations as required in claim 17. However, Culbert discloses a video editing system that allows a stored image to be panned and zoomed (Culbert, para 0045).

Therefore taking the combined teachings of Hoyt and Frey, in view of Culbert, it would have been obvious to one of ordinary skill in the art to combine Hoyt's internet photo booth with Frey's photo kiosk for electronically creating, storing, and distributing image and audio data and Culbert's video editing computer readable medium so that the image processing system can further enhance its editing capabilities by being able pan and zoom on stored images, including the backgrounds.

Re claim 18, the combined teachings of Hoyt and Frey, in view of Culbert, as a whole, further discloses an image processing system according to claim 17 wherein the camera motion includes zooming and panning (claim limitation has already been discussed and rejected, see claim 17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Morehead whose telephone number is 571-270-1183. The examiner can normally be reached on Monday - Friday (alt) 7:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM


NGOC YEN VU
SUPERVISORY PATENT EXAMINER